

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID B. DOWNS, and
MARGARET A. DOWNS,
Plaintiffs,**

v.

**BOROUGH OF JENKINTOWN,
DEBORA PANCOE,
RICHARD BUNKER, and
GEORGE LOCKE,
Defendants.**

CIVIL ACTION

NO. 18-4529

ORDER

AND NOW, this 22nd day of May, 2020, upon consideration of Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 (Document No. 19, filed November 15, 2019) and Plaintiffs' Response to Defendant' Motion for Summary Judgment (Document No. 25, filed December 20, 2019), for the reasons stated in the accompanying Memorandum dated May 22, 2020, **IT IS ORDERED** that Defendants' Borough of Jenkintown, Debora Pancoe, Richard Bunker and George Locke's Motion for Summary Judgment Pursuant to Rule 56 is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendants Debora Pancoe and Richard Bunker in their individual capacities (Count I) is **GRANTED**;
2. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against the Borough of Jenkintown (Count I) is **GRANTED**;

3. That part of defendants' Motion seeking summary judgment on plaintiffs' civil conspiracy claim against defendant George Locke in his official and individual capacity (Count III) is **GRANTED**;

4. That part of defendants' Motion seeking summary judgment on plaintiffs' First Amendment retaliation claim against defendant George Locke in his individual capacity (Count I) is **DENIED**.

IT IS FURTHER ORDERED that a conference for the purpose of scheduling further proceedings will be conducted in due course.

IT IS FURTHER ORDERED that Borough of Jenkintown, Debora Pancoe, and Richard Bunker, are removed from the caption as defendants.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.